

REMARKS

This paper is filed in response to the Notice of Non-Compliant Amendment mailed October 6, 2009. The listing of Claims has been amended to provide a complete listing of all the claims. Claims 99 and 101-118 are pending. Claims 1-98, 100 and 119-138 were previously canceled. Claims 113 and 114 have been amended to better describe the claimed invention. The amendments are supported by the specification at least in page 101, lines 3-20. No new matter has been introduced. Reconsideration and allowance of the claims in view of the above amendments and the remarks that follow are respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 106-107 and 109-118 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 5,390,295 issued to Bates et al. (hereinafter "Bates") for reasons stated on pages 2-5 of the Office Action. Applicants respectfully traverse the rejection.

For anticipation under 35 U.S.C. §102, the reference "must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." (MPEP §706.02, IV. Distinction between 35 U.S.C. 102 and 103, page 700-21). The Federal Circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim (*Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, (Fed. Cir. 1985); *Atlas Powder Co. v. DuPont*, 750 F.2d 1569, (Fed. Cir. 1984); *American Hospital Suppl v. Travenol Labs*, 745 F.2d 1 (Fed. Cir. 1984).

Bates does not anticipate the claimed invention because it fails to disclose or suggest "repeating the steps of identifying, recognizing and generating when a new window is activated," as recited in claim 106, and "means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a second format," as recited in claim 113.

The Examiner alleges that Bates discloses “repeating the steps of identifying, recognizing and generating when a new window is activated” in col. 8, lines 66 to col. 9, line 3. Applicants respectfully disagree.

Bates generally describes a method and apparatus for logically organizing windows displayed on a display screen. The amount of time each of the windows presented to the display screen is active (also known as “in focus”) is monitored. Upon receipt of a command from the user, the windows that were active a longer length of time are displayed more distinctively than windows that were active a shorter length of time. More specifically, windows are displayed on the display screen having a window size proportional to the length of time each of the window were active. For example, a window that was active 40% of the time will have a size that is 40% of the specified window tiling area. Windows that have not been active long enough to exceed a minimum window tiling threshold are displayed as icons outside of or under the specified window tiling area and are not included in the calculations of percentage of activity of the windows. This display mode is described as the “display window tiling mode” by Bates (see, e.g., the Abstract and col. 4, line 61 to col. 5, line 31).

In col. 8, lines 66 to col. 9, line 3, Bates describes that, in the flow charts shown in Figures 5A-1 and 5A-2, when a window is made active, the window is registered in block 125 and the flow chart of Figure 6 is activated. Bates’ method tracks the time that each window is kept active or “in focus.” The above-cited passage describes that a “get focus” event (i.e., activating a window) triggers the timer to start counting the time the window remains in focus. However, the algorithm described in Figures 5-9 will not repeat any steps of identifying, recognizing and generating when a new window is activated because the “display window tiling mode” is activated only upon receipt of a command from the user to turn on the mode.

In fact, Bates cannot allow “repeating the steps of identifying, recognizing and generating when a new window is activated,” because the “display window tiling mode” displays the windows on the display screen with window sizes proportional to the length of time each of the window were active. If a user opens a new window and the computer were to repeat steps of identifying, recognizing and generating a new display under the “display window tiling mode,” the new window would be shown only as an icon because it has the shortest “in focus” time. Therefore, it is easily understandable that, while Bates method would necessarily require the

computer to monitor the “in focus” time when a window is made active, it would only display tiling windows and thus repeat its step upon request from a user.

Taking the example described in col. 4, line 30 to col. 5, line 31 of Bates, the fictitious user, Tammy Taxpayer, used the “display window tiling mode,” to readily locate the program Quicken. Because Quicken was the program she used much in the morning, it will be prominently displayed on the screen once the “display window tiling mode” is enabled. Let’s now assume that Tammy opened a new program Photoshop, which she had not used at all in the morning. The opening event (i.e., a “get focus” event) would initiate the timer as described in col. 8, lines 66 to col. 9, line 3 so that the Photoshop window can be properly displayed the next time the “display window tiling mode” is enabled. However, the opening event itself would not enable the “display window tiling mode” and would not repeat the relevant steps in the “display window tiling mode.” If the opening event itself enabled the “display window tiling mode” and repeated the steps in the “display window tiling mode, as asserted by the Examiner, the Photoshop window would be downsized to an icon according to the rules of display in the “display window tiling mode,” set forth in Bates (see, e.g., col. 5, lines 9-31 and col. 7, lines 4-16) because all other programs used by Tammy in the morning would have a longer “in focus” time than Photoshop. This is clearly not a desirable outcome of Bates’ method and is not how Bates’ operates. In fact, Fig. 8 of Bates shows that the algorithm of Bates requires confirmation to display window tiling mode (block 401) in each cycle.

Similarly, Bates also fails to disclose or teach “means for auto-arranging windows of information into an arranged format, wherein more than one window may be arranged, and wherein each time a previously inactivate window is activated, all the active windows are arranged so that the arrangement of windows changes each time a previously inactivate window is activated, and wherein the previously inactive window is displayed in a first format,” as recited in claim 113. As discussed above, the “display window tiling mode” of Bates is enabled upon a request from a user and **is not enabled** every time a previously inactivated window is activated. Therefore, activating a previously inactivate window in Bates will not result in the re-arrangement of all the active windows.

Accordingly, claims 106 and 113 are patentable over Bates because Bates fails to disclose or teach every aspect of the claimed invention. Claims 107, 109-112 and 114-118 are patentable over Bates because they depend from claim 106 or 113 and recite additional patentable subject

matter. For example, claim 107 recites "wherein the steps occur automatically each time a new window is activated." As discussed earlier, steps in Bates' method cannot occur automatically each time a new window is activated. Withdrawal of the rejection under 35 U.S.C. 102 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 99 and 101-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of USPN 5,463,728 issued to Blahut et al. (hereinafter "Blahut") and USPN 5,838,318 issued to Porter et al. (hereinafter "Porter") for reasons stated on pages 6-8 of the Office Action. Claim 108 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of USPN 5,956,030 issued to Conrad et al. (hereinafter "Conrad") for reasons stated on pages 8-9 of the Office Action. Applicants respectfully traverse the rejections.

To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all of the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) and *MPEP* § 2142.

As discussed earlier, Bates does not teach or suggest "wherein each time a new window is activated the steps of identifying and arranging are repeated," as recited in claim 99. Blahut, Porter and Conrad also fail to teach or suggest this feature. Therefore, for this reason alone, claim 99 is patentable over Bates, Blahut, Porter and Conrad.

Moreover, none of the cited reference teaches or suggests "choosing the desired number of activated windows to arrange on the screen in the particular format," as recited in claim 99. The Examiner alleges that "Blahut teaches a method for arranging windows wherein the desired number of windows to be displayed is specified" and cites to col. 5, lines 22-27 of Blahut as support (the Office Action, page 7). Applicants respectfully disagree. The cited passage provides:

The windows to be displayed are assigned to Window State Machines 12 in order of decreasing display priority. In particular, the first Window State Machine 12a determines whether the window of highest display priority is "active," i.e., whether the current display location is within that window; the second Window State Machine 12b determines whether the window of second highest display priority is active; and so on. Since each window to be displayed (except the background "window") must be assigned to a unique Window State Machine, it

should be appreciated that the number of Window State Machines 12 should be sufficient to provide for the maximum number of windows it is desired to display. Sixty four windows has been found to be sufficient for most applications, but the actual number can be greater or lower according to need (col. 5, lines 12-27, emphasis added).

A person of ordinary skill in the art would understand that the cited passage describes the fact that, in Blahut's method, each window to be displayed must be assigned to a unique Window State Machine. Therefore, the apparatus should have sufficient Window State Machines to provide for the maximum number of windows it is desired to display. In other words, the apparatus is configured to have enough Window State Machines for the maximum number of windows it is desired to display in any format. The apparatus would not allow a user to choose a desired number of activated windows to arrange on the screen in a particular format, as recited in claim 99.

Accordingly, claim 99 is patentable over Bates, Blahut, Porter and Conrad because the cited references, individually or in combination, fail to teach or suggest all of the claim limitations. Claims 101-105 are patentable because they depend from claim 99 and recite additional patentable subject matter. For example, claim 101 recites "wherein the choosing the desired number of activated windows to arrange on the screen comprises choosing a default value." None of the cited reference teaches or suggest a method that chooses a default value for the desired number of activated windows to arrange on the screen in a particular format.

Claim 108 depend from claim 106. As discussed earlier, claim 106 is patentable over Bates because Bates does not teach or suggest "repeating the steps of indentifying, recognizing and generating when a new window is activated." Conrad is cited for its teachings on conserving display space and viewing both types of windows simultaneously. Conrad does not cure the deficiency of Bates. Therefore, claim 106 is patentable over Bates and Conrad. Claim 108 is patentable because it depends from claim 106.

Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

CONCLUSION

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,



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Aldo Noto
Reg. No. 35,628
ANDREWS KURTH LLP
1350 I Street, N.W.
Suite 1100
Washington, D.C. 20005
Telephone: (202) 662-3051
Fax: (202) 662-2739